

## **Title 11**

### **PUBLIC PEACE, MORALS AND WELFARE**

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## **Division I. General Regulations**

### **Chapter 11.04**

#### **OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT**

##### **Sections:**

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##### **11.04.010 Aiding police officers.**

It shall be the duty of all persons, when called upon by any police officer or any other member of the police department, to promptly aid and assist such officer or member in the discharge of his duties. (Prior code § 34-1-4)

##### **11.04.020 Resisting or interfering with police.**

It is unlawful for any person to resist any police officer, any member of the police department or any person duly empowered with police authority, while in the discharge or apparent discharge of his duty, or in any way to interfere with or hinder him in the discharge or apparent discharge of his duty. (Prior code § 34-1-1)

##### **11.04.030 Attempting to escape pursuing officer.**

No person shall wilfully fail or refuse to stop, or otherwise flee or attempt to elude a pursuing police officer after being given a lawful order to stop; provided, that the person has reason to believe that the pursuing individual is a police officer; provided, that the police offi-

cer's order to stop shall only be considered lawful if the police officer has probable cause to arrest the person, or reasonable suspicion to stop the person for investigation. (Prior code § 34-1-1.1)

##### **11.04.040 Aiding escape of persons in custody.**

It is unlawful for any person to offer or endeavor to assist any person in the custody of a police officer, a member of the police department or a person duly empowered with police authority to escape or to attempt to escape from such custody. (Prior code § 34-1-2)

##### **11.04.050 Rescuing persons in custody.**

It is unlawful for any person to rescue or to attempt to rescue any person in the custody of a police officer, a member of the police department or a person duly empowered with police authority. (Prior code § 34-1-3)

##### **11.04.060 Impersonating a police officer.**

A. It is unlawful for any person falsely to assume to be a police officer or, without authority or right, to assume to exercise police powers.

B. Any person, not an officer, wearing a uniform, badge or insignia similar to that worn by any metropolitan, city, county or state police, shall be prima facie guilty of a violation of this section. (Prior code § 29-1-31)

##### **11.04.070 Interfering with alarm or communication systems.**

It is unlawful to interfere with the alarm boxes of the police or fire departments, or with the telephones, telephone or telegraph wires or signal system or apparatus of either of such departments. (Prior code § 29-1-1)

##### **11.04.080 Giving false information—False alarms.**

A. It is unlawful for any person knowingly to make to the metropolitan police department any false, misleading or unfounded report, or knowingly to offer any false, misleading or unfounded information of any type whatsoever, for the purpose of interfering with the operation of the metropolitan police department or with the intention of misleading any police officer.

B. It is further unlawful for any person to knowingly activate any electronic device or burglar alarm which falsely indicates the commission of a felony. (Prior code § 29-1-21.1)

**11.04.090 False 911 calls.**

A. It is unlawful for any person to call the E-911 system of the metropolitan government indicating an emergency when the person knows or should have known there was not an emergency.

B. Any person convicted of violating this section shall be subject to the penalties of Section 1.01.030 of the metropolitan code. (Ord. 95-1329 § 2 (part), 1995; Ord. 89-1029 §§ 1, 2, 1989)

**11.04.100 Imitating sirens prohibited.**

It is unlawful for any person to use a gong, bell, siren or any other device making a noise similar to that used by the fire engines and police vehicles, which is intended as a warning to the public to give way to the passage of such fire engines or police vehicles in the performance of public duty. (Ord. 90-1339 § 1 (29-5), 1990; prior code § 29-1-23)

**11.04.110 High frequency police radio receiving set—Defined.**

A high frequency police radio receiving set shall be defined as any radio receiving set capable of receiving any message sent out by any police radio station. (Prior code § 34-2-1)

**11.04.120 Police radio—Permit required.**

It is unlawful for any person to equip or operate any motor vehicle with a high frequency police radio receiving set unless such motor vehicle is being used by the federal, state or metropolitan government or a peace officer, or unless a permit for the use of the same shall have been granted as provided by this chapter. (Ord. 90-1339 § 1 (34-1), 1990; prior code § 34-2-2)

**11.04.130 Police radio—Application—Annual fee.**

A. Any person desiring a permit from the mayor to operate a high frequency police radio receiving set in a motor vehicle shall file the application with the mayor in writing, stating the name of the applicant, the license number, engine number, model and make of the motor vehicle in which it is desired to install such set and shall furnish a photograph of the applicant and his fingerprints. The application shall also state the reason why it is desired to install such set.

B. If the mayor finds that the application shows a need for the set, that the set will be used for a lawful purpose and that the public interest will be served by a granting of the application, he shall issue a permit for installation and use of the set upon payment by the applicant for a license fee of one hundred dollars per year. An

application shall be filed and a new permit shall be secured for each year a high frequency police radio receiving set is used. (Ord. 90-1339 § 1 (34-2), 1990; prior code § 34-2-3)

**11.04.140 Police radio permits—Not transferable.**

Any permit issued under the provisions of Section 11.04.130 shall not be transferable to any other person. A high frequency police radio receiving set authorized to be installed and used by any such permit shall not be placed in any motor vehicle other than the one described in the application for the permit without first obtaining a permit from the mayor for the removal of the set to the other motor vehicle. No fee shall be charged for such removal permit. In case of a change in license number of any motor vehicle in which a high frequency police radio receiving set has been permitted under this chapter, the owner of the vehicle shall notify the mayor of such change within five days after the change is made. (Prior code § 34-2-4)

**11.04.150 Answering police radio calls prohibited.**

It is unlawful for the operator of any motor vehicle, other than metropolitan government officers and police and fire department officers in the line of duty, to follow up and answer police radio calls or in any way interfere with police officers answering such radio police calls. (Prior code § 34-2-5)

**Chapter 11.08**

**OFFENSES AGAINST THE PERSON**

**Sections:**

**11.08.010 Assault.**

**11.08.010 Assault.**

A person commits assault who:

A. Intentionally, knowingly or recklessly causes bodily injury to another; or

B. Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or

C. Intentionally or knowingly causes physical contact with another and knows the other will regard the contact as extremely offensive or provocative. (Ord. 90-1339 § 1 (29-1), 1990; prior code § 29-1-2)

## Chapter 11.12

### OFFENSES AGAINST PUBLIC PEACE

#### Sections:

**11.12.010 Disorderly conduct.**

**11.12.020 Assembling to commit unlawful acts.**

**11.12.030 False identification.**

**11.12.040 Disguises—Prohibited in public places—Exceptions.**

**11.12.050 Lewd or disruptive behavior on or around school grounds.**

**11.12.060 Disorderly house—Prostitution, gambling and rowdiness prohibited.**

**11.12.070 Excessive noise.**

**11.12.080 Discharging weapons.**

#### **11.12.010 Disorderly conduct.**

A. It is unlawful for any person within the area of the metropolitan government to violate any of the following subsections of this section:

1. Any person who shall act in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health; or

2. Any person who shall act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged; or

3. Any person who shall disturb the peace of others by conduct or “fighting words” calculated to provoke violence or a violation of law;

4. Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another; or

5. Any person who shall frequent any public place with intent to obtain money from other persons by illegal and fraudulent schemes, tricks, artifices or devices; or

6. Any person who shall use “fighting words” directed towards any person who becomes outraged and thus creates a turmoil; or

7. Any person who shall, by acts of violence, interfere with another’s pursuit of a lawful occupation; or

8. Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered by the city police or other lawful authority.

B. Any person who shall violate any subdivision of subsection A may be charged with the offense of “disorderly conduct,” and on conviction thereof, may be found

guilty of disorderly conduct. (Ord. 90-1339 § 1 (29-3), 1990: prior code § 29-1-15)

#### **11.12.020 Assembling to commit unlawful acts.**

It is unlawful for any two or more persons to assemble together in the area of the metropolitan government with an intent to do an unlawful act; or, being assembled, mutually to agree, or act in concert, to do an unlawful act with force or violence against the property of the metropolitan government, or the person or property of another, or against the peace and to the terror of others; or to make any move or preparation therefor; or, being present at such meeting or assembly, to fail to endeavor to prevent the commission of or perpetration of such unlawful act. (Prior code § 29-1-3)

#### **11.12.030 False identification.**

It is unlawful for any person in the area of the metropolitan government to offer, use or attempt to offer or use any means, manner, type or kind of paper, document, card, license or any other evidence of the identification of such person for the purpose of making sales or purchases of commodities, cashing checks, making other monetary transactions, to gain admission to any place or for any other purpose whatsoever, where such means, manner, type or kind of identification offered or used or which is attempted to be offered or used is false, fraudulent or incorrect in any manner or way or which misrepresents such person so offering or using the same or who attempts to offer or use the same, or which does not belong to such person, or which is altered, forged, defaced or changed in any respect, except such changes as are required or authorized by law. (Prior code § 29-1-22)

#### **11.12.040 Disguises—Prohibited in public places—Exceptions.**

A. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

1. “Mask” means any mask, device or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer.

2. “Public place” means all walks, alleys, streets, boulevards, avenues, lanes, roads, highways or other ways or thoroughfares dedicated to public use or owned or maintained by public authority; all grounds and buildings owned, leased by, operated or maintained by public authority; all buildings owned, leased or operated for the use of organizations enjoying all tax-exempt privileges as a charitable use.

B. No person, while masked, shall be or appear on or in any public place in the metropolitan government area. C. The following persons are exempted from the provisions of this section:

1. All children under the age of seventeen;
2. All workers while engaged in work wherein a covering is necessary for physical safety and protection against occupational hazards or because of the nature of the occupation or trade;
3. Persons while wearing traditional holiday costumes;
4. Persons while engaged in theatrical productions or masquerade balls;
5. Persons wearing gas masks in civil defense drills and exercises or emergencies. (Prior code § 29-1-38)

**11.12.050 Lewd or disruptive behavior on or around school grounds.**

It is unlawful for any person to loiter, idle, wander, stroll or play in, about or on any public, private or parochial school, college or seminary grounds or buildings, either on foot or in or on any vehicle, without having some lawful business therein or thereabout or in connection with such school or the employees thereof, or for any person to:

- A. Annoy, disturb or otherwise prevent the orderly conduct of classes and activities of any such school; or
- B. Annoy, disturb, assault or molest any student or employee of any such school, college or seminary while in any such school building or on any school grounds; or
- C. Conduct himself in a lewd, wanton or lascivious manner in speech or behavior in or about any such school building or school grounds; or
- D. Park or move a vehicle in the immediate vicinity of or on the grounds of any such school, college or seminary for the purpose of annoying or molesting the students or employees thereof, or in an effort to induce, entice or invite students into such vehicles for immoral purposes. (Prior code § 29-1-56)

**11.12.060 Disorderly house—Prostitution, gambling and rowdiness prohibited.**

A. No person who manages or controls any building, room or enclosure, either as its owner, lessee, agent or employee shall allow or permit prostitution, drunkenness, unlawful sale of alcoholic beverages, gambling, the sale, exhibition or possession of any obscene material or any obscene conduct or entertainment, quarrelling, fighting, rowdiness or loud noise sufficient to constitute a breach of the peace.

B. No person who manages or controls any building, room or enclosure, either as an owner, lessee, agent or

employee shall knowingly rent, lease or make available for use, with or without compensation, any building, room or enclosure to any tenant or occupant who unlawfully manufactures, delivers, sells, stores, gives away or uses any regulated legend drug, narcotic, or other controlled substance as defined in Tennessee Code Annotated Section 39-17-402 and Tennessee Code Annotated Section 53-10-101.

1. A person who manages or controls any building, room or enclosure shall have knowingly rented, leased or made available for use, with or without compensation, such building, room or enclosure, to a tenant or occupant who unlawfully manufactures, delivers, sells, stores, gives away or uses a regulated legend drug, narcotic, or other controlled substance if, after receiving written notice from the metropolitan department of police that the occupant or tenant has been engaged in such illegal drug activity, he fails to evict the tenant or occupant from the building, room or enclosure.

2. Upon learning of suspected illegal drug activity involving a tenant or occupant of a building, room or enclosure, the metropolitan department of police shall determine whether such activity is in fact taking place. Once the metropolitan police department determines that a tenant or occupant is in fact manufacturing, delivering, selling, storing, giving away or using regulated legend drugs, narcotics, or other controlled substances and that enforcement of this subsection would not hinder further criminal prosecution, the metropolitan police department shall serve a written notice on the person(s) who manages or controls the property, informing him of the investigation and his responsibility to prohibit illegal drug activity on the property.

3. If requested, the metropolitan police department shall provide the person(s) managing or controlling the property with evidence that his tenant or occupant is illegally manufacturing, delivering, selling, storing, giving away or using regulated legend drugs, narcotics, or other controlled substances before requiring him to evict the tenant or occupant.

4. The metropolitan police department shall serve the notice on the person who manages or controls the building, room or enclosure that one of his tenants or occupants is engaged in such illegal drug activity by a means of service authorized by Rule 4.04 of the Tennessee Rules of Civil Procedure for service of process.

5. No person shall be charged with a violation of this subsection if such person:

- a. Instituted eviction proceedings within thirty days of the receipt of the notice of illegal activities of the tenant; and

b. Has completed the eviction proceedings within forty-five days of commencement of the proceedings; or

c. Cannot complete eviction proceedings within forty-five days by reason of a court-ordered delay in such proceedings. (Ord. BL2000-264 § 1, 2000; Amdt. 1 to Ord. 96-302, 5/21/96; Ord. 96-302 § 2, 1996; Ord. 90-1339 § 1 (29-4), 1990: prior code § 29-1-16)

#### **11.12.070 Excessive noise.**

A. No person or persons owning, employing or having the care, custody or possession of any musical instrument,

radio set, television set, phonograph, Victrola or other instrument, machine or device for amplifying, producing or reproducing sound, shall operate, use or permit to be operated or used such instrument, machine or device in such a manner as to disturb the peace and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the persons who are in the room or chamber in which or who are on the premises from which such instrument, machine or device is operated and who are voluntary listeners thereto.

B. The operation of any such instrument, machine or device in such a manner as to be plainly audible on any adjacent or adjoining property shall be prima facie evidence of a violation of this section unless specifically permitted by ordinance or law or by an agency or department of metropolitan government.

C. No person operating or occupying a motor vehicle on any street, highway, alley, parking lot, or driveway, either public or private property, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty or more feet from the vehicle or, in the case of a motor vehicle on private property, beyond the property line. For the purpose of this subsection, "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty or more feet, however, words or phrases need not be discernible and said sound shall include bass reverberation.

Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by the metropolitan government or any utility company, for sound emitted unavoidably during job-related operation, or any motor vehicle used in an authorized public activity for which a permit has been

granted by the appropriate agency of the metropolitan government.

D. No person or persons owning, operating, or having the care, custody, or control of any facility located within fifty feet of a residence and/or of a natural conservation area shall permit to be operated any musical instrument or other entertainment device using amplification unless such music or other entertainment is provided within a totally enclosed structure. Such music or other entertainment may be provided outside of a structure only between the hours of seven a.m. and eleven p.m., except when exempted under provisions of the code as a special event, mass gathering or other permitted activity by metropolitan government or its boards or commissions. The provisions of this section shall not apply to entertainment facilities constructed to provide outdoor entertainment owned by metropolitan government or its agencies and parks under the control of the board of parks and recreation, properties lying with an area zoned CC district and properties zoned CF district that are contiguous to those zoned CC district as of November 21, 2000, or properties lying within an area bounded by properties fronting Music Square West and 17th Avenue South from Division Street to Edgemoor Avenue, properties along the north portion of Edgemoor Avenue between 17th Avenue South and 16th Avenue South; properties fronting 16th Avenue South and Music Square East between Edgemoor Avenue and Division Street and also, including those properties lying within an area fronting on the east side of 21st Avenue South from Scarritt Place to Edgemoor Avenue and the properties fronting on the north side Edgemoor Avenue to 17th Avenue South.

E. No person or persons owning, operating, or having the care, custody, or control of any business or commercial facility shall be permitted to operate any equipment, vehicles, or heavy machinery incident to performing business or commercial functions, or engage in any other business or commercial activity between the hours of 9:00 p.m. and 6:00 a.m. which would emit, cause to be emitted, or permit the emission of any noise in excess of seventy Db(A) as measured from a point as close as possible to the outside walls of any residential structure located within a residential zoning district affected by the noise at a height of four feet above the immediate surrounding surface. The provisions of this paragraph shall not be applicable to business or commercial facilities located within the CC and CF zoning districts. (Ord. 2002-1061 § 1, 2002; Ord. 2001-772 § 1, 2001; Amdts. 1, 2 to Ord. BL2000-378 §§ 1, 2, 2000; Amdt. 1 to Ord. 93-724, 8/3/93; Ord. 93-724 § 1, 1993; Ord. 88-508 § 1, 1988: prior code § 29-1-54)

**11.12.080 Discharging weapons.**

A. It is unlawful for any person to discharge or fire any firearm within the urban services district of the metropolitan government at any time, and within the general services district of the metropolitan government during the nighttime.

For the purposes of this section, the word “nighttime” means that period of time beginning thirty minutes after dusk and ending thirty minutes prior to sunrise.

B. It shall further be unlawful for any person to fire or discharge any air gun or air pistol, spring gun or spring pistol, or other device or firearm which is calculated or intended to propel or project a bullet, pellet, air or similar projectile, whether propelled by spring, compressed air or gases, explosive or other force-producing means, within the urban services district of the metropolitan government.

C. Notwithstanding any other provisions of this section, nothing in this section is intended to prohibit the discharge or firing of any firearms by anyone:

1. While in the lawful performance of duty as an officer of the law; or
2. Within a legally established shooting range or shooting gallery where precautions have been taken to insure the protection of human life and property; or
3. Lawfully engaged in hunting, as permitted by the state, upon any property located within the urban services district of the metropolitan government; or
4. Legally defending person or property. (Ord. 99-1775 § 1, 1999; Amdt. 1 to Ord. 96-295, 6/4/96; Ord. 96-295 § 1, 1996)

**Chapter 11.16**

**OFFENSES AGAINST PUBLIC DECENCY**

**Sections:**

**11.16.010 Peeping or spying.**

**11.16.020 Indecent exposure.**

**11.16.030 Prostitution.**

**11.16.040 Lewd conduct in commercial establishments.**

**11.16.050 Controlled substances—Possession of paraphernalia prohibited—Exceptions.**

**11.16.060 Drug related activity—Termination of public housing tenancy.**

**11.16.070 Debtors’ names—Use in public announcements prohibited.**

**11.16.080 Spitting in public conveyances.**

**11.16.010 Peeping or spying.**

It is unlawful for any person in the day or night to prowl or loiter about any dwelling or business house, outhouse or other building for the purpose of spying or peeping therein. (Prior code § 29-1-47)

**11.16.020 Indecent exposure.**

No person shall openly, lewdly and obscenely expose his person in any street or in view thereof, or in any other place of public resort. (Prior code § 29-1-33)

**11.16.030 Prostitution.**

A. For the purposes of this section, the following words and phrases shall mean:

1. “Prostitution” means the offering or receiving of the body for sexual intercourse or other sexual activity for hire.

2. “Sexual activity” means any sexual relations including homosexual relations.

B. It is unlawful for any person to:

1. Commit or offer or agree to commit an act of prostitution;

2. Secure or offer to secure another for the purpose of committing an act of prostitution;

3. Loiter in a public place for the purpose of being hired to engage in prostitution or any sexual activity;

4. Transport knowingly any person to any place for the purpose of committing an act of prostitution;

5. Receive or offer or agree to receive knowingly any person into any place or building for the purpose of performing an act of prostitution, or permit knowingly any person to remain in any place or building for any such purpose;

6. Direct or offer or agree to direct any person to any place or building for the purpose of committing an act of prostitution;

7. In any manner aid, abet, suffer, permit or participate in the doing of any of the acts prohibited by this section. (Amdt. 1 to Ord. 90-1230, 6/19/90; Ord. 90-1230 §§ 1, 2, 1990)

**11.16.040 Lewd conduct in commercial establishments.**

A. It is unlawful for any person in any commercial establishment knowingly to commit the following acts:

1. To expose to public view that portion of the breast which is defined to be the areola, the pubic hair, the cleft of the buttocks, or the genitals, when such exposure is patently offensive within contemporary community standards, has no serious scientific, literary, political

or artistic merit, and such conduct appeals to the prurient interest of the average person; or

2. To perform acts of sexual intercourse, masturbation, sodomy, flagellation, or the fondling of the breasts, buttocks or genitals, when such acts are patently offensive within contemporary community standards, have no serious scientific, literary, political or artistic merit, and such conduct appeals to the prurient interest of the average person.

B. It is unlawful for the owner of a commercial establishment, or his agent or employee, knowingly to employ any person or to permit any person in any commercial establishment:

1. To expose to public view that portion of the breast which is defined to be the areola, the pubic hair, the cleft of the buttocks, or the genitals, when such exposure is patently offensive within contemporary community standards, has no serious scientific, literary, political or artistic merit, and such conduct is calculated to appeal to the prurient interest of the viewing audience; or

2. To perform acts of sexual intercourse, masturbation, sodomy, flagellation, or the fondling of the breasts, buttocks or genitals, when such acts are patently offensive within contemporary community standards, have no serious scientific, literary, political or artistic merit, and such conduct is calculated to appeal to the prurient interest of the viewing audience.

C. Definitions.

1. "Areola" means that portion of the breast to include the nipple and the red pigmented area surrounding it.

2. "Commercial establishment" means any club, theater, hotel, motel, tavern, restaurant, or other place where live entertainment is performed before paying customers.

3. "Patently offensive" means that which goes substantially beyond customary levels of explicitness in the portrayal of sexual conduct.

4. "Prurient interest" means a shameful or morbid interest in sex.

D. Nothing contained in this section shall be construed to apply to exhibition, presentation, or performance of any play, ballet, drama, tableau, production or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher learning, or other similar establishment which is primarily devoted to such exhibitions, presentations, shows or performances as a form of expression of opinion, communication, speech, ideas, information, art or drama as differentiated from commercial business promotion or exploitation of the sexual nature of the human body for the purposes of ad-

vancing the economic welfare of a commercial enterprise. (Prior code § 29-1-34)

#### **11.16.050      Controlled substances—Possession of paraphernalia prohibited—Exceptions.**

A. It is unlawful for any person to, at any time, knowingly have or possess a hypodermic needle, syringe or any other instrument or implement adapted for the use of any controlled substance and having on it any quantity, including trace, of a controlled substance; provided, that the prohibitions contained in this section shall not apply to any possession authorized under Title 52 of the Tennessee Code Annotated, or to a practitioner or a person acting under his direction.

B. A "practitioner" means a physician, dentist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, analyze, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state; or a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state. (Prior code § 29-1-18)

#### **11.16.060      Drug related activity—Termination of public housing tenancy.**

A. For the purposes of this section the term "drug-related criminal activity" means the illegal manufacturing, sale, distribution, use or possession with intent to manufacture, sell, distribute or use of a controlled substance (as defined by the Tennessee Code Annotated).

B. It is unlawful for a public housing tenant or any member of the tenant's household or a guest or other person under the tenant's control to engage in any criminal activity including drug-related activity on or near public housing premises while the tenant is a tenant in public housing. Any such criminal activity shall be lawful cause for termination of tenancy by the metropolitan development and housing agency upon a determination of such activity by appropriate hearing which provides for due process. (Amdt. 2 to Ord. 90-1298, 10/2/90; Amdt. 1 to Ord. 90-1298, 8/7/90; Ord. 90-1298 § 1, 1990)

#### **11.16.070      Debtors' names—Use in public announcements prohibited.**

A. It is unlawful for any person to place on exhibit in a public place any advertisement or announcement offer-



ing to sell any claims, accounts or judgments against any person where the name of such person is there listed.

B. It is unlawful for the owner or occupant of any lot or building to permit his property to be placarded with any publicly exhibited sign or bulletin offering for sale any claim, account or judgment against any person where the name of such person is there listed. Each day such sign or notice is kept on exhibition shall constitute a separate offense. (Prior code § 29-1-14)

**11.16.080        Spitting in public conveyances.**

A. It is unlawful for any person to spit upon any part of a public conveyance.

B. Public conveyances shall have signs conspicuously displayed, stating in substance that it is a violation of law and decency to spit in the conveyance. (Prior code § 29-1-57)

## Chapter 11.20

### FAIR EMPLOYMENT AND HOUSING PRACTICES

#### Sections:

- 11.20.010 Purpose of chapter.**
- 11.20.020 Definitions.**
- 11.20.030 Discrimination prohibited—By employers.**
- 11.20.040 Discrimination prohibited—By employment agencies.**
- 11.20.050 Discrimination prohibited—By labor organizations.**
- 11.20.060 Discrimination prohibited—Recruitment for training programs.**
- 11.20.070 Discrimination prohibited—Employment advertisements.**
- 11.20.080 Certain practices not considered discriminatory.**
- 11.20.090 Seniority or merit privileges not considered discriminatory.**
- 11.20.100 Human relations commission—Powers and duties.**
- 11.20.110 Complaints—Filing—Investigation—Hearing.**
- 11.20.120 Hearing—Issuance of citations and warrants.**

#### **11.20.010 Purpose of chapter.**

This chapter is enacted in order to secure for all individuals within the area of the metropolitan government freedom from discrimination because of race, color, religion, national origin, disability or sex in connection with employment and thereby protect their interest and personal dignity. (Amdt. 1 with Ord. 2003-1312 § 1, 2003; prior code § 14A-1-2)

#### **11.20.020 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Disability” means, with respect to a person: (a) A physical or mental impairment which substantially limits one or more of such person’s major life activities; (b) A record of having such impairment; or (c) Being regarded as having an impairment. “Disability” does not include the current illegal use of, or the addiction to, a controlled substance, or the current abuse of alcohol.

“Employee” means an individual employed by an employer.

“Employer” means a person who has twelve or more employees in each of twenty or more calendar weeks in the current or preceding calendar year and an agent of such a person.

“Employment agency” means a person regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer, and includes an agent of such person.

“Labor organization” means a labor organization and an agent of such an organization, including an organization of any kind, an agency or employee representation committee, group, association or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment, and a conference, general committee, joint or system board or joint council so engaged which is subordinate as a national or international labor organization.

“Review panel” means a group of five members of the metropolitan human relations commission, to be appointed by the chairman of the commission. (Amdt. 1 with Ord. 2003-1312 §§ 1, 2, 2003; prior code § 14A-1-1)

#### **11.20.030 Discrimination prohibited—By employers.**

It is an unlawful practice for an employer:

A. To fail or refuse to hire, or to discharge, any individual, or otherwise to discriminate against an individual with respect to compensation, terms or conditions or privileges of employment, because of such individual’s race, color, religion, national origin, disability or sex;

B. To limit, segregate or classify his employees in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, national origin or sex. (Amdt. 1 with Ord. 2003-1312 § 1, 2003; prior code § 14A-1-3)

#### **11.20.040 Discrimination prohibited—By employment agencies.**

It is an unlawful practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, an individual because of his race, color, religion, national origin, disability or sex, or to classify or refer for employment an individual on the basis of his race, color, religion, national origin, disability or sex. (Amdt. 1 with Ord. 2003-1312 § 1, 2003; prior code § 14A-1-4)

**11.20.050      Discrimination prohibited—By labor organizations.**

It is an unlawful practice for a labor organization:

A. To exclude or to expel from its membership, or otherwise to discriminate against, a member or applicant for membership because of his race, color, religion, national origin, disability or sex;

B. To limit, segregate or classify its membership, or classify or fail or refuse to refer for employment an individual, in any way which would deprive or tend to deprive an individual of employment opportunities or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, national origin, disability or sex;

C. To cause or attempt to cause an employer to discriminate against an individual in violation of this section. (Amdt. 1 with Ord. 2003-1312 § 1, 2003; prior code § 14A-1-5)

**11.20.060      Discrimination prohibited—Recruitment for training programs.**

It is an unlawful practice for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against an individual because of his race, color, religion, national origin, disability or sex in recruitment, or admission to, or employment in, any program established to provide apprenticeship or other training. (Amdt. 1 with Ord. 2003-1312 § 1, 2003; prior code § 14A-1-6)

**11.20.070      Discrimination prohibited—Employment advertisements.**

It is an unlawful practice for an employer, labor organization or employment agency to print or publish or cause to be printed or published a notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by the employment agency, indicating any preference, limitation, specification or discrimination, based on race, color, religion, national origin, disability or sex; except, that such a notice or advertisement may indicate a preference, limitation or specification based on religion, national origin, disability or sex when religion, national origin, disability or sex is a bona fide occupational qualification for employment. (Amdt. 1 with Ord. 2003-1312 § 1, 2003; prior code § 14A-1-7)

**11.20.080      Certain practices not considered discriminatory.**

Notwithstanding any other provisions of this chapter, it is not an unlawful practice for:

A. An employer to hire and employ employees, an employment agency to classify or refer for employment an individual, for a labor organization to classify its membership or to classify or refer for employment an individual, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ an individual in any such program, on the basis of his religion, national origin or sex in those certain instances where religion or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that business or enterprise;

B. A religious corporation, association or society to employ an individual on the basis of his religion to perform work connected with the carrying on by such corporation, association or society of its religious activity;

C. A school, college, university or other educational institution to hire and employ employees of a particular religion if the school, college, university or other educational institution is in whole or substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of the school, college, university or other educational institution is directed toward the propagation of a particular religion and the choice of employees is calculated by such organization to promote the religious principles for which it is established or maintained. (Prior code § 14A-1-8)

**11.20.090      Seniority or merit privileges not considered discriminatory.**

Notwithstanding any other provision of this chapter, it is not an unlawful practice for an employer to apply different standards of compensation, of different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations; provided, that such differences shall not be the result of intentional discrimination because of race, color, religion, national origin, disability or sex. (Amdt 1 with Ord. 2003-1312 § 1, 2003; prior code § 14A-1-9)

**11.20.100      Human relations commission—Powers and duties.**

In the enforcement of this chapter, the metropolitan human relations commission has the following powers and duties:

A. To meet and exercise its powers at any place within the metropolitan government area;

B. To have the services of attorneys, hearing examiners, clerks and other employees and agents who are metropolitan government employees, except in those cases in which the metropolitan government is a party, and in which case the human relations commission may seek the metropolitan council's approval to engage appropriate counsel;

C. After a complaint has been filed against an employer, to give written notice to the employer and other persons to appear as witnesses with pertinent records. Upon the failure to respond, the conciliation procedure herein may be continued, nevertheless, and, upon sufficient evidence and a finding of a violation of this chapter, the procedure described in Section 11.20.120 may be followed;

D. To file in a court of competent jurisdiction such cases as cannot be resolved by conference, conciliation or persuasion. (Prior code § 14A-1-10)

#### **11.20.110 Complaints—Filing— Investigation—Hearing.**

A. An individual claiming to be aggrieved by an unlawful practice or a member of the metropolitan human relations commission may file with the commission a written and sworn complaint stating that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the commission to identify the persons charged (hereinafter the "respondent"). The complaint must be filed within six months after the alleged unlawful practice occurs.

B. The commission shall make a prompt and full investigation of each complaint.

C. If it is determined that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the commission shall issue an order dismissing the complaint.

D. If it is determined, after investigation, that there is probable cause to believe that the respondent has engaged in unlawful practice, the commission shall endeavor to eliminate the alleged unlawful practice by conference, conciliation and persuasion. The terms of a conciliation agreement reached with a respondent may require him to refrain from the commission of unlawful discriminatory practices in the future and make such further provisions as may be agreed upon between the commission or its staff and the respondent. Except for the terms of the conciliation agreement, neither the commission nor any officer, employee, agent or representative thereof shall make public, without the written consent of the complainant and the respondent, informa-

tion concerning efforts in a particular case to eliminate an unlawful practice by conference, conciliation or persuasion, whether or not there is a determination of probable cause or a conciliation agreement.

E. In any case of failure to eliminate the alleged unlawful practice by means of conference, conciliation or persuasion, the commission shall direct the review panel to hold a private hearing to determine whether or not an unlawful practice has been committed. The review panel shall furnish to the respondent a statement of the charges made in the complaint and a notice of the time and the place of the hearing. The hearing shall be held not less than ten days after furnishing of the statement of charges. The respondent may file an answer, may appeal at the hearing in person or may be represented by an attorney, and shall have the right to examine or to cross-examine witnesses.

F. If the review panel determines that the respondent has not engaged in an unlawful practice, the panel shall report its findings to the metropolitan human relations commission, and the commission shall rule that the complaint is dismissed.

G. If the review panel determines that the respondent has engaged in an unlawful practice, the review panel shall report its findings to the metropolitan human relations commission and the commission, with a quorum present and by a majority vote of those present, may seek relief for the aggrieved person or persons under Section 11.20.120.

H. Testimony taken at the hearing shall be under oath and may be transcribed. The rules of evidence prevailing in courts shall be substantially observed. After the hearing, in its discretion, the commission, upon notice to all parties with the opportunity to be present, may take further evidence or hear argument. (Prior code § 14A-1-11)

#### **11.20.120 Hearing—Issuance of citations and warrants.**

A. In the event the respondent fails to make available to the metropolitan human relations commission or its staff or to the review panel, records, documents or testimony relevant to the complaint, and/or in the event the review panel and the metropolitan human relations commission cannot eliminate the alleged, unlawful practice by conference, conciliation and persuasion, the commission shall cause to be issued a citation requiring the defendant to appear in the metropolitan court on a date set for a hearing.

B. The citation will be sent by certified mail to the principal place of business of the employer alleged to be violating any provision of this chapter, and such notice will be sufficient for the purposes hereof. The form of

citation, with sufficient copies, shall be approved by the metropolitan legal department, and shall contain a warrant on one side of the citation form. If the defendant fails to appear on the date as cited, the metropolitan judge may sign and issue a warrant to be served upon the defendant, requiring him to appear before the judge of the metropolitan court for a hearing upon the warrant and for disposition thereof. (Prior code § 14A-1-12)

## **Chapter 11.24**

### **OFFENSES AGAINST PROPERTY**

#### **Sections:**

- 11.24.010 Certain state offenses declared municipal misdemeanors.**
- 11.24.020 Library property—Unauthorized use—Defacement.**
- 11.24.030 Defacing public or private property—Penalty.**
- 11.24.040 Defacing buildings under construction.**
- 11.24.050 Trespassing on enclosed property—Defacing enclosure.**
- 11.24.060 Occupying premises without owner's permission—Defacing improvements.**
- 11.24.070 Placing hazardous or offensive substances in public places.**
- 11.24.080 Placing obstructions on public property for private benefit.**
- 11.24.090 Throwing stones.**
- 11.24.100 Exhausting steam into public sewer.**

#### **11.24.010 Certain state offenses declared municipal misdemeanors.**

A. The following state offenses are declared to be municipal misdemeanors, the definition of such offenses to be the same as those contained in the state statutes:

1. Worthless checks (Tennessee Code Annotated Section 39-14-121); and
2. Shoplifting or theft of goods held for sale, of value of five hundred dollars or less (Tennessee Code Annotated Section 39-14-103).

B. When any person is convicted of the commission of any of offenses listed in this section, he shall be punished as provided in Section 1.01.030, or, in the discretion of the metropolitan judge, may be bound over to the criminal court. (Ord. 95-1329 § 2 (part), 1995; Ord. 90-1339 § 1 (29-12), 1990: prior code § 29-1-58)

#### **11.24.020 Library property—Unauthorized use—Defacement.**

No person shall take from the public library any book or other periodical or paper, map or document belonging to such library, except in accordance with the rules and regulations thereof, or, having legally borrowed the same, fail to return the same in accordance with the regulations, or write upon or otherwise deface or injure in part or in whole any property belonging to such library. (Prior code § 29-1-35)

#### **11.24.030 Defacing public or private property—Penalty.**

A. It is unlawful for any person to:

1. Wilfully damage or deface personal or real property belonging to another person;
2. Damage or deface any public, real or personal property, including but not limited to traffic signs and signals and street markers.

B. In addition to the civil remedies available to persons or governments damaged in violation of this section, the metropolitan court is authorized to enforce this section by imposing a penalty, as provided in Section 1.01.030 and a fee or assessment not exceeding two hundred dollars.

C. The parents or legal guardians of children under the age of twenty-one shall be legally responsible for the conduct of children under their care and charge, and shall be obligated to pay any fine, fee or assessment imposed under this section. (Ord. 95-1329 § 2 (part), 1995; prior code § 29-1-51)

#### **11.24.040 Defacing buildings under construction.**

No person shall wantonly injure or deface any new build-in course of construction or any unoccupied building. (Prior code § 29-1-5)

#### **11.24.050 Trespassing on enclosed property—Defacing enclosure.**

A. "Enclosed real estate" means real estate that is actually enclosed by a wall or fence or otherwise surrounded by wire, rope or some obstruction however slight clearly evidencing an intent to keep off the same.

B. The owners of lots and parcels of enclosed real estate within the area of the metropolitan government may post the same against trespassers, by a sign or board with notice inscribed thereon to keep off the same, and it shall be unlawful for any person to go upon the real estate so posted without the permission of the owner of such premises.

C. It is unlawful for any person to cut or deface any wall or fence around the premises of any person. (Ord. 90-1339 § 1 (29-13), 1990; prior code § 29-1-63)

**11.24.060 Occupying premises without owner's permission—Defacing improvements.**

A. It is unlawful for any person to move into or occupy any house, room or apartment in the area of the metropolitan government without the consent of the owner or his authorized agent. Each day of such unlawful occupancy shall be regarded as a separate offense.

B. It is unlawful for any person to destroy, deface or injure any improvements on the property of any other person without the consent of the owner or his authorized agent. (Prior code § 29-1-64)

**11.24.070 Placing hazardous or offensive substances in public places.**

No person shall take, carry, expose or place in or upon any public place or public building any substance, animal or thing which is or is likely to become a public nuisance, or which shall imperil the life, health or safety of any person who is or may properly be in such public place or building, or which, through the giving off of odors or noises, shall be or become offensive or injuriously affect the comfort and service of persons using such public place or building. (Prior code § 29-1-53)

**11.24.080 Placing obstructions on public property for private benefit.**

It is unlawful to place or cause to be placed, in any manner, buildings, erections, depositories or other obstructions, with any sort of permanency, for private use, benefit or profit, upon any part or portion of the public grounds of the area of the metropolitan government without permission of the director of public property. (Prior code § 29-1-52)

**11.24.090 Throwing stones.**

No person shall throw stones or other missiles likely to cause breakage of windows of glass or the destruction of property in the area of the metropolitan government. (Prior code § 29-1-61)

**11.24.100 Exhausting steam into public sewer.**

A. It is unlawful for any person using steam apparatus of any kind to exhaust steam into any sewer owned or controlled the metropolitan government.

B. It is declared to be a nuisance and prejudicial to public health to exhaust steam into any sewer, and any person who now has a steam connection exhausting into

any sewer owned or controlled by the metropolitan government shall, within thirty days after written notice from the director of public works, sever and disconnect such connection.

C. On failure to do so, he shall be deemed guilty of a violation of this section. (Prior code § 29-1-59)

**Chapter 11.26**

**GRAFFITI**

**Sections:**

**11.26.010 Definitions.**

**11.26.020 Graffiti prohibition.**

**11.26.030 Possession of graffiti implements by minors prohibited.**

**11.26.040 Possession of graffiti implements prohibited in designated public places.**

**11.26.050 Parental civil liability.**

**11.26.055 Reward for information leading to arrest and conviction of violator.**

**11.26.060 Penalty.**

**11.26.070 Severability.**

**11.26.010 Definitions.**

For the purpose of the ordinance codified in this chapter, the words and phrases shall have the following meanings, unless otherwise clearly indicated by the context:

“Aerosol paint container” means any aerosol container which is adapted or made for the purpose of spraying paint or other substance capable of defacing property.

“Felt tip marker” means any indelible marker or similar implement with a tip which, at its broadest width, is greater than one-eighth of an inch, containing ink or other pigmented liquid which is not watersoluble.

“Graffiti” means any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or, on any surface, regardless of the nature of the material of that structural component, to the extent that same was not authorized in advance by the owners thereof.

“Graffiti implement” means an aerosol paint container, a felt tip marker, or a graffiti stick.

“Graffiti stick” means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, of leaving a mark at least one-eighth of an inch in width and not water-soluble. (Ord. 94-1236 § 1, 1994)

**11.26.020 Graffiti prohibition.**

It shall be unlawful for any person to apply graffiti on any public or privately owned structures located on public or privately owned real property located within the area of the metropolitan government. (Ord. 94-1236 § 2, 1994)

**11.26.030 Possession of graffiti implements by minors prohibited.**

It shall be unlawful for any person under the age of eighteen years to have in his or her possession any graffiti implement while upon public property or upon private property without the consent of the owner of such private property whose consent is given in advance and whose consent shall be given as to the person's presence while in possession of a graffiti implement. The foregoing provision shall not apply to the possession of felt tip markers by minors attending, or traveling to or from a school at which the person is enrolled, if the person is participating in a class at said school which formally requires the possession of felt tip markers. The burden of proof in any prosecution for violation of this section shall be upon the minor student to establish the need to possess a felt tip marker. (Ord. 94-1236 § 3, 1994)

**11.26.040 Possession of graffiti implements prohibited in designated public places.**

It shall be unlawful for any person to have in his or her possession any graffiti implement while in or upon any public facility, park, playground, swimming pool, recreational facility, or other public building or within one hundred feet of an underpass, bridge abutment, storm drain, or similar types of infrastructure unless otherwise authorized by the metropolitan government. (Ord. 94-1236 § 4, 1994)

**11.26.050 Parental civil liability.**

Any parent or legal guardian who consents to, permits, or otherwise knowingly allows her or his child under the age of eighteen to possess a graffiti implement shall be personally liable for any and all costs to any person incurred in connection with the removal of graffiti caused by said child or by said graffiti implement. (Ord. 94-1236 § 5, 1994)

**11.26.055 Reward for information leading to arrest and conviction of violator.**

Any person who provides information that leads to the arrest and conviction of a person for violating the provisions of the Metropolitan Code concerning illegal dumping, littering or graffiti shall be paid a reward in an

amount of not more than five hundred dollars. A committee composed of the chief of police, the director of finance and the district attorney general, or their designees, shall determine when and if such reward shall be made and further the amount of any such reward. In paying the award, the committee shall consider the amount collected from fines imposed for violations of these Metropolitan Code provisions. The police department shall establish and publicize a telephone reporting system with a dedicated telephone number that will permit anonymous telephone callers to report violations and enable such persons to claim the reward provided herein. (Ord. 96-526 §§ 1, 2, 1996; Ord. 95-1484 § 1, 1995)

**11.26.060 Penalty.**

Any person who is found to have violated the ordinance codified in this chapter shall be assessed a civil penalty in an amount not to exceed five hundred dollars. (Ord. 94-1236 § 6, 1994)

**11.26.070 Severability.**

Should any court of competent jurisdiction declare any section, clause, or provision of the ordinance codified in this chapter to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional, and shall not affect any other section, clause, or provision of the ordinance. (Ord. 94-1236 § 7, 1994)

**Chapter 11.28**

**OFFENSES BY OR AGAINST MINORS**

**Sections:**

**Article I. General Provisions**

- 11.28.010 Minors contributing to the delinquency of others.**
- 11.28.020 Adults contributing to the delinquency of minors.**
- 11.28.030 Assault—Indecent exposure.**
- 11.28.040 Improper advances—Offers to ride in vehicles.**
- 11.28.050 Glue and related substances—Sale and use restrictions.**
- 11.28.070 Abandoning refrigerators in accessible places.**
- 11.28.080 Loitering during school hours.**
- 11.28.120 Location of certain businesses restricted near places frequented by minors.**
- 11.28.130 Admittance to certain movies not permitted—Penalty.**

**11.28.140 Indecent publications—Sale or exhibition in places frequented by minors.**

**Article II. Juvenile Curfew**

- 11.28.200 Definitions.**
- 11.28.210 Curfew for juveniles.**
- 11.28.220 Defenses.**
- 11.28.230 Parental responsibility.**
- 11.28.240 Enforcement procedures.**
- 11.28.250 Construction and severability.**
- 11.28.260 Curfew—Continuing evaluation.**
- 11.28.270 Curfew—Notice.**
- 11.28.280 Curfew—Expiration date.**

**Article I. General Provisions**

**11.28.010 Minors contributing to the delinquency of others.**

No child who has reached his fourteenth birthday shall contribute to or encourage any other child, who is at least two years his junior, whether by aiding or abetting or encouraging the younger child or by participating as a principal with the younger child, in running away from his parents, guardian or other custodian, or in loitering during school hours in violation of the Metropolitan Code, Section 11.28.080 or in committing any lewd or indecent act, or engaging in an act of sexual intercourse in a place of public resort. (Prior code § 29-1-41.4)

**11.28.020 Adults contributing to the delinquency of minors.**

No adult shall contribute to or encourage the delinquency or unruly behavior of a child, whether by aiding or abetting or encouraging the child in the commission of an act of delinquency or unruly behavior, or by participating as a principal with the child in an act of delinquency or unruly behavior, or by aiding the child in concealing an act of delinquency or unruly behavior following its commission. (Prior code § 29-1-40)

**11.28.030 Assault—Indecent exposure.**

A. It is unlawful for any person to assault any child under sixteen years of age; or to take indecent and improper liberties with the person of such child; or to entice, allure or persuade any such child into any room, office or any other place for the purpose of taking any immodest, immoral or indecent liberties with such child; or to take or attempt to take any such liberties with the person of such child at any place.

B. It is unlawful to be in the proximity of any child under sixteen years of age in a state of indecent exposure

with intent to assault or ravish such child. (Prior code § 29-1-39)

**11.28.040 Improper advances—Offers to ride in vehicles.**

It is unlawful for any person with intent to make indecent, repulsive or improper advances or proposals to any child under eighteen years of age, to take such child for a ride in a vehicle or to otherwise accompany such child, or attempt to do any of the foregoing. Where any such person, not being related to or known to such child, takes such child for a ride or invites such child for a ride in a vehicle or attempts to accompany such child, there shall be a presumption of an intent to make indecent, repulsive or improper advances or proposals to such child. (Prior code § 29-1-39.1)

**11.28.050 Glue and related substances—Sale and use restrictions.**

A. Except as otherwise provided in this section, no person shall sell, deliver or give to any individual under the age of twenty-one years any glue or cement commonly known as model airplane glue, plastic cement, household cement, cement or any other similar substance, if such glue or cement contains one or more of the following solvents:

1. Toluol;
2. Hexane;
3. Trichlorethylene;
4. Acetone;
5. Teluene;
6. Ethyl acetate;
7. Methyl ethyl ketone;
8. Trichloroethane;
9. Isopropanol;
10. Methyl isobutyl ketone;
11. Methyl cellosolve acetate;
12. Cyclohexanone.

B. The provisions of subsection A of this section shall not apply where the glue or cement is sold, delivered or given simultaneously with and as part of a kit used for the construction of model airplanes, model boats, model automobiles, model trains or similar models.

C. It is unlawful for any person to be found in a public place under the influence of or in a state of intoxication as the result of inhaling any glue, cement or substance containing one or more of the solvents named in subsection A of this section.

D. 1. Any person other than a minor violating any of the provisions of this section shall be punished as provided in Section 1.01.030. Each act in violation of this



section shall constitute a separate offense and shall be punishable as such hereunder.

2. Any minor violating any of the provisions of this section shall be dealt with in accordance with juvenile court law and procedure. (Ord. 95-1329 § 2 (part), 1995; prior code § 29-1-22.1)

**11.28.070 Abandoning refrigerators in accessible places.**

It is unlawful for any person to place, leave or permit to remain outside of any building or dwelling, or on or in unenclosed porches, areaways or other unenclosed portions of any building or dwelling, or in any accessible place to children, any abandoned, unattended or discarded icebox, refrigerator or any other container, under his control, which has a substantially airtight door or opening designed or intended to be fastened with a snap-lock or other mechanical device which when closed cannot readily be released for opening from the inside of such icebox, refrigerator or other container, unless such person shall first have removed such snap-lock or other mechanical device and the door or other opening which it is designed or intended to secure will open freely at all times, or unless such icebox, refrigerator or other container is firmly or securely nailed or welded shut. (Prior code § 29-1-29)

**11.28.080 Loitering during school hours.**

A. A child who has not reached his eighteenth birthday, and being subject to the state compulsory attendance law, Tennessee Code Annotated, Section 49-6-3001, shall not loiter, idle, wander or play in or upon the public streets, highways, alleys, parks, or other public places, buildings, businesses, places of amusement and entertainment, vacant lots or other unsupervised places during those hours he is required to be in school under the state compulsory school attendance law. Further, no child shall be taken into custody for violation of this section until an investigation with the proper school officials has been made to determine if the child is required to be in school.

B. No parent, guardian or other adult person who has been delegated the care and custody of such child under the age of eighteen, shall knowingly permit such child to violate the provisions of this section. A parent, guardian or other adult person who has been delegated the care or custody of such child found to be in violation of this section shall be punished as provided in Section 1.01.030 of this code. (Ord. 95-1329 § 2 (part), 1995; Ord. 92-413 §§ 1, 2, 1992; Ord. 90-1339 § 1 (part), 1990; prior code § 29-1-41.2)

**11.28.120 Location of certain businesses restricted near places frequented by minors.**

A. It is unlawful for any individual, firm, corporation, association, partnership, copartnership, or any other organization of any character whatsoever to exhibit, within six hundred feet of any kindergarten, nursery schools, parks and playgrounds, dwelling for one or two families and churches, any motion picture or live performance, admission to which is denied by the exhibitor or prohibited by law to persons under eighteen years of age.

1. The violation of this subsection is declared to be a misdemeanor and any person, firm or corporation, upon being found guilty of such violation shall be fined fifty dollars for each offense.

2. Each separate exhibition of the same motion picture, or each separate occurrence of each live performance in violation of this subsection, shall constitute a separate offense.

3. There shall be excluded from this subsection any establishments under the provision of the beer and liquor ordinances.

B. It is unlawful for any individual, firm, corporation, association, partnership, copartnership, or any other organization of any character whatsoever which operates a business establishment within six hundred feet of any kindergarten, nursery schools, parks and playgrounds, dwelling for one or two families and churches to have on its premises coin-operated machines exhibiting still or moving pictures, or where any circular, poster, handbill, newspaper, magazine, picture, record or book is sold, offered for sale, distributed, exhibited or displayed if admission to such establishment, or the sale of any of the above items to persons under eighteen years of age is denied by the operator of the business establishment or prohibited by law.

1. The violation of this subsection of this section shall be declared a misdemeanor and any person, firm or corporation upon being found guilty of such violation shall be fined fifty dollars for each offense.

2. Every day any violation of this subsection of this section shall continue shall constitute a separate offense.

3. There shall be excluded from this subsection any establishments under the provisions of the beer and liquor ordinances.

C. In determining the distance between a kindergarten, nursery schools, parks and playgrounds, dwelling for one or two families and churches and a business establishment or place of exhibition for the purposes of this section, the distance shall be measured from the center of the entrance of the kindergarten, nursery schools, parks

and playgrounds, dwelling for one or two families and churches nearest to the business establishment or place of exhibition in a straight line to the center of the entrance nearest to the kindergarten, nursery schools, parks and playgrounds, dwelling for one or two families and churches of such business establishment or place of exhibition. (Prior code § 29-1-41.3)

**11.28.130 Admittance to certain movies not permitted—Penalty.**

A. It is unlawful for any person to admit minors to any theater open to the general public for which an admission price is charged, to view a motion picture which carries a rating indicating that minors will not be admitted.

B. It is unlawful for any person to admit minors to any theater open to the general public for which an admission price is charged to view a motion picture which carries a rating indicating that minors will not be admitted unless accompanied by a parent or guardian when such minors are not accompanied by a parent or guardian.

C. Violation of this section shall, upon conviction, be punished as provided in Section 1.01.030 of this code. Each separate act of admitting a minor to a theater in violation of this section shall constitute a violation of this section. (Ord. 95-1329 § 2 (part), 1995; prior code § 29-1-41.1)

**11.28.140 Indecent publications—Sale or exhibition in places frequented by minors.**

A. Every person who shall wilfully engage in the business of selling, lending, giving away, showing, advertising for sale or distributing to any person under the age of eighteen years of age, or has in his possession with intent to engage in the said business or to otherwise offer for sale or commercial distribution to any individual under the age of eighteen years of age, or who shall display at newsstands or any other business establishments frequented by minors under the age of eighteen years of age, or where said minors are or may be invited as a part of the general public any motion picture, live show, or any still picture or photograph or any book, pocket book, pamphlet or magazine, the cover or content of which exploits, is devoted to, or is principally made up of descriptions or depictions of illicit sex or sexual immorality or which is lewd, lascivious or indecent, or which consists of pictures of nude or partially denuded figures posed or presented in a manner to provoke or arouse lust or passion or to exploit sex, lust or perversion for commercial gain or any article or instrument of inde-

cent or immoral use shall, upon conviction, be punished by a fine of not more than five hundred dollars.

B. For the purposes of this section:

1. “Description or depictions of illicit sex or sexual immorality” means:

a. Human genitals in a state of sexual stimulation or arousal;

b. Acts of human masturbation, sexual intercourse or sodomy;

c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

2. “Nude or partially denuded figures” means:

a. Less than completely and opaquely covered:

i. Human genitals,

ii. Pubic regions,

iii. Buttock, and

iv. Female breast below a point immediately above the top of the areola;

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

3. “Knowingly” means having knowledge of the character and content of the publication or failure on notice to exercise reasonable inspection which would disclose the content and character of the same. (Ord. 95-1329 § 7, 1995; prior code § 29-1-41.5)

**Article II. Juvenile Curfew**

**11.28.200 Definitions.**

For the purposes of this article the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word “shall” is always mandatory and not merely directory:

“Chief of police” means the chief of police of the metropolitan government.

“Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

“Juvenile” or “minor” means any unemancipated person under the age of eighteen or, in equivalent phrasing often herein employed, any person seventeen or less years of age.

“Parent” means any person having legal or physical custody of a juvenile (1) as a natural or adoptive parent, (2) as a legal guardian, or (3) as a person to whom legal or physical custody has been given by court order.

“Public place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, common areas of schools, shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops, bowling alleys, taverns, cafes, arcades, and similar areas that are open to the use of the public.

“Private place” means any place which is privately owned and includes, but is not limited to, buildings, motels, apartment complexes, trailer parks, railroad property, private schools, real property, and other similar areas that are not open to the public.

“Street” as a type of public place, means a way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. Street includes that legal right-of-way including but not limited to the cartway of traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. (Ord. BL99-1 § 1 (part), 1999)

#### **11.28.210 Curfew for juveniles.**

It shall be unlawful for any person seventeen years of age or less [under eighteen] to be or remain in or upon a public place, or a private place without consent of the property owner, leasee or a person of apparent authority acting on behalf of the leasee or owner, in Davidson County during the period ending at five a.m. and beginning:

A. At eleven p.m. Sunday through Thursday and twelve midnight Friday and Saturday between September first and May thirty-first, and

B. At twelve midnight between June first and August thirty-first. (Ord. BL99-1 § 1 (part), 1999)

#### **11.28.220 Defenses.**

The following shall constitute defenses to violations charged under this article:

This article shall not apply:

A. When a juvenile is accompanied by a parent of the juvenile;

B. When a juvenile is accompanied by an adult authorized by a parent of the juvenile to take the parent's place in accompanying the juvenile for a designated period of time and purpose within a specified area;

C. When the juvenile is on an errand as directed by the parent until the hour of twelve-thirty a.m.;

D. When a juvenile is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly. Such activity shall constitute an

exception to this chapter when prior to such activity a written notice of the date, time, and place of the activity, signed by the juvenile and, if practicable, a parent of the juvenile, together with the name and address of the juvenile, has been received by the chief of police or a person designated by him to receive such information;

E. Until the hour of twelve-thirty a.m. if the juvenile is on the property of or the sidewalk directly adjacent to the place where such juvenile resides or a place immediately adjacent to the juveniles' residence if the owner of the adjacent property has given consent;

F. When a juvenile is attending, or traveling directly to or from home without detour or stop, from an official activity supervised by adults and sponsored by the metropolitan government, a religious or civic organization, or another similar adult supervised entity that takes responsibility for the juvenile;

G. In the case of reasonable necessity, but only after the juvenile's parent has communicated to law enforcement personnel the facts establishing the reasonable necessity, as well as the origin, destination and route of travel, the time of travel, and the place of the activity. Proof of the communication, including a notation of the time it was received by law enforcement, names and addresses of the parent and juvenile, and the police personnel notified, constitute evidence of qualification under this exception. This may be handled by telephone or other effective communication;

H. While the juvenile is engaged in legal employment and for the period from forty-five minutes before to forty-five minutes after work, while going directly between the juvenile's home and place of employment. The juvenile must be carrying written evidence of employment which is issued by the employer;

I. When the juvenile is engaged in normal interstate travel with parental consent. (Ord. BL99-1 § 1 (part), 1999)

#### **11.28.230 Parental responsibility.**

A. It is unlawful for a parent of a juvenile to permit, either knowingly or negligently, the juvenile to remain in or on any public place, or private place without consent of the property owner, in Davidson County under circumstances not constituting an exception listed in Section 11.28.220 of this article. The term “knowingly” includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no de-

fense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

B. If a juvenile satisfies an exception under Section 11.28.220, the juvenile's parent may not be prosecuted under this parental responsibility section. (Ord. BL99-1 § 1 (part), 1999)

#### **11.28.240 Enforcement procedures.**

A. When any juvenile is in violation of this article the apprehending officer shall take action in one of the following ways:

1. In the case of a first violation and if in the opinion of the officer such action would be effective, take the juvenile to the juvenile's home and warn and counsel with the parent(s);

2. Issue a juvenile citation;

3. Bring the child into the custody of the juvenile court, which in addition to any other disposition provided by law, may assess a penalty; or

4. Issue a citation to the parent for violation of Section 11.28.230, Parental Responsibility.

B. The juvenile court may, as part of the disposition of the case, assess a penalty against the juvenile for each violation of this article. In addition to or in lieu of a penalty the juvenile court may require the juvenile to perform community service.

C. Pursuant to Chapter 191, Public Acts of 1995, the juvenile court may assess a penalty in an amount not to exceed fifty dollars against a parent violating the provisions of this article. Each violation of this article shall constitute a separate offense. (Ord. BL99-1 § 1 (part), 1999)

#### **11.28.250 Construction and severability.**

Severability is intended throughout and within the provisions of the article. If any provision, including any exception, part, phrase, or term, or the application thereof to any person or circumstances is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of the article or the other parts thereof shall not be affected thereby in any and all respects. (Ord. BL99-1 § 1 (part), 1999)

#### **11.28.260 Curfew—Continuing evaluation.**

The office of the mayor shall periodically review statistics related to the enforcement of this article, including, but not limited to, the manner in which violations are handled under the provisions of Section 11.28.240 of this article. The chief of police shall maintain such information in a manner in which it may be produced within a reasonable time upon request. (Ord. BL99-1 § 1 (part), 1999)

#### **11.28.270 Curfew—Notice.**

Adequate notice of the existence of Sections 11.28.200 through 11.28.280 and of the curfew established by them shall be given periodically. (Ord. BL99-1 § 1 (part), 1999)

#### **11.28.280 Curfew—Expiration date.**

Sections 11.28.200 through 11.28.280 shall expire and shall be null and void after the thirtieth day of June, 2005, unless extended by resolution of the council of the metropolitan government of Nashville and Davidson County. This provision, commonly known as a "sunset provision," is included in this section to ensure that Sections 11.28.200 through 11.28.280, their effectiveness, and their necessity are reviewed periodically, after their adoption, by the metropolitan council. (Ord. BL99-1 § 1 (part), 1999)

### **Chapter 11.32**

#### **MISCELLANEOUS OFFENSES**

##### **Sections:**

##### **11.32.010 Nonsubscription newspapers— Discontinuance of delivery required when.**

##### **11.32.020 Wells, cisterns and shafts—Covering required.**

##### **11.32.010 Nonsubscription newspapers— Discontinuance of delivery required when.**

A. Any distributor of nonsubscription newspapers, handbills, or similar materials, regardless of content, that are periodically delivered by depositing the newspapers, handbills, or similar materials upon the property of another, within the area of the metropolitan government, and that are not delivered by the United States Postal Service, shall stop such delivery within ten days after receiving written notice, sent by U.S. Mail, from an occupant of the premises to which delivery is being made requesting that delivery be stopped. For the purposes of this section, periodic delivery shall mean delivery two or more times a month for two or more consecutive months.

B. Any person, partnership or corporation who is found to have violated this section shall be fined fifty dollars. Each delivery in violation of this section shall be considered a separate offense. (Amdt. 1 to Ord. 89-748, 5/16/89; Ord. 89-748 § 1, 1989; prior code § 29-1-68)

**11.32.020 Wells, cisterns and shafts—  
Covering required.**

A. The owners, lessees or occupants of real property or residences in the area of the metropolitan government, where there is a well, cistern or shaft located on such property or any portion thereof, shall keep the openings to such wells, cisterns or shafts securely covered so that no small child or person can fall into the opening thereof.

B. It is unlawful for any owner, lessee or occupant of such real property or residences where a well, cistern or shaft located thereon to fail to securely cover the opening to such well, cistern or shaft. (Prior code § 29-1-66)

**Division II. Urban Services District**

**Chapter 11.36**

**FIREARMS AND OTHER WEAPONS**

**Sections:**

- 11.36.010 Definitions.**
- 11.36.020 Manufacturer's or dealer's license—  
Application—Fee—Revocation.**
- 11.36.030 Dealer's records.**
- 11.36.040 Pistol sales—Notice to police—Delivery  
requirements.**
- 11.36.050 False information—Dealer's license—  
Purchasing records.**
- 11.36.060 Sale prohibited to certain persons.**
- 11.36.070 Possession prohibited by certain  
persons.**
- 11.36.080 Sale to minors prohibited.**
- 11.36.090 Removal or alteration of  
manufacturer's identification  
number.**
- 11.36.100 Stolen firearms.**
- 11.36.110 Carrying certain weapons prohibited—  
Exceptions.**
- 11.36.120 Disposition of confiscated weapons.**

**11.36.010 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Crime of violence” means and includes murder; manslaughter; rape; mayhem; kidnapping; burglary; housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment.

“Firearm” means any weapon by whatever name known, which is designed to expel a projectile by the action of expanding gases.

“Fugitive from justice” means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

“Manufacturer” or “dealer” means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans.

“Pistol” means any firearm with a barrel less than twelve inches in length. (Ord. 90-1339 § 1 (41-1), 1990; prior code § 41-2-1)

**11.36.020 Manufacturer's or dealer's  
license—Application—Fee—  
Revocation.**

A. Application for a firearms manufacturer's or dealer's license shall be made to the metropolitan collections officer on forms prescribed and furnished by him. The application shall indicate the business name of the applicant, the business address, the name and home address of the proprietor or proprietors (if a partnership) or of the president and secretary (if a corporation) and such other pertinent information as may be required by the metropolitan collections officer. The application may be filed in person or by United States mail. It shall be accompanied by the license fee. The metropolitan collections officer, by and with the advice and consent of the chief of police, having assured himself that the applicant is of good repute shall, within ten days of the date of receipt of the application, issue the license required by this chapter. Such license shall be valid until revoked; except, that a new application shall be filed whenever there is a change in the business address or proprietorship of the licensee.

B. The license fee shall be five dollars.

C. Should the metropolitan collections officer determine that the applicant is not a suitable person to be licensed under the provisions of this chapter, the applicant shall be so notified in writing within ten days of the date of receipt of the application by the metropolitan collections officer, and the license shall be refused.

D. Any person aggrieved by the refusal of a license may appeal by certiorari to the circuit court. After examination of the evidence presented by the metropolitan collections officer and hearing the applicant, the court shall, in its discretion, direct that the license be issued or refused.

E. Whenever any licensee under this section is convicted of a violation of any of the provisions of this chap-

ter, it shall be the duty of the clerk of the metropolitan court to notify the metropolitan collections officer within forty-eight hours after such conviction, and the metropolitan collections officer shall suspend or revoke such license; provided, that in the case of an appeal from such conviction, the metropolitan collections officer shall permit the licensee to continue business until notified by the clerk of the court of last appeal to the final disposition of the case.

F. Any license revoked for a violation of this chapter, as provided in subsection E of this section, shall not be renewed within five years of the date of revocation. (Prior code § 41-2-6)

#### **11.36.030 Dealer's records.**

A true record shall be made by each licensed manufacturer or dealer in firearms within the urban services district, on the form prescribed by the chief of police, of each firearm sold, pledged as security for a loan, transferred or otherwise disposed of at wholesale or retail. This record shall contain the date of sale or the dates of pledge and redemption for a loan, the caliber, make, model and manufacturer's number of the firearm and the name and address of the purchaser or person depositing the firearm as security for a loan. Such record shall be retained by the manufacturer or dealer for a period of not less than three years following the date of such sale. (Prior code § 41-2-7)

#### **11.36.040 Pistol sales—Notice to police—Delivery requirements.**

Each licensed manufacturer or dealer shall transmit to the chief of police, by United States mail, within twenty-four hours, a notification of all sales of pistols made at retail, giving the information required by Section 11.36.030. When delivered, all pistols shall be securely wrapped and shall be unloaded. (Prior code § 41-2-8)

#### **11.36.050 False information—Dealer's license—Purchasing records.**

A. No person shall, in applying for a license as a manufacturer or dealer, give false information or offer false evidence of his identity.

B. No person shall give false information concerning his name and address or offer false evidence of his identity when purchasing a firearm. (Prior code § 41-2-10)

#### **11.36.060 Sale prohibited to certain persons.**

It is unlawful for any person to sell, lease, lend or otherwise transfer a firearm within the urban services district to any person whom he knows or has reasonable cause to believe has been convicted of a crime of vio-

lence or who is a fugitive from justice or who is of unsound mind or who is a drug addict or an habitual drunkard. (Ord. 90-1339 § 1 (41-2), 1990; prior code § 41-2-2)

#### **11.36.070 Possession prohibited by certain persons.**

It is unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, or is of unsound mind or is a drug addict or an habitual drunkard, to possess a firearm within the urban services district. (Ord. 90-1339 § 1 (41-3), 1990; prior code § 41-2-3)

#### **11.36.080 Sale to minors prohibited.**

No person shall sell, lease or transfer a pistol, except when the relation of parent and child or guardian and ward exists, to any person under the age of twenty-one years. (Prior code § 41-2-9)

#### **11.36.090 Removal or alteration of manufacturer's identification number.**

It is unlawful for any person to obliterate, remove, change or alter the manufacturer's identification mark or number on any pistol. Whenever, in a trial for a violation of this section, the defendant is shown to have or have had possession of any such pistol, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number, unless the defendant can produce a bill of sale indicating that the pistol was legally purchased and that the manufacturer's identification mark or serial number was obliterated or defaced at the time of purchase. (Prior code § 41-2-5)

#### **11.36.100 Stolen firearms.**

It is unlawful within the urban services district for any person to receive, conceal, store, barter, sell, lease, lend or otherwise transfer, or to pledge or accept as security for a loan, any firearm, knowing or having reasonable cause to believe the same to have been stolen. (Prior code § 41-2-4)

#### **11.36.110 Carrying certain weapons prohibited—Exceptions.**

A. It is unlawful for any person within the urban services district, to carry, publicly or privately, any dirk, razor concealed about his person, sword cane, loaded cane, slung-shot or brass knucks, Spanish stiletto, belt or pocket pistol, revolver or any kind of pistol, except the

army or navy pistol usually used in warfare, which shall be carried openly.

B. It shall be the duty of every police officer who sees any person with or knows of any person carrying the weapons named in this section to immediately arrest every such person.

C. The provisions of this section relating to carrying of deadly weapons do not extend to police or other officers or persons who are entitled by law to carry such deadly weapons, nor do they extend to the act of handling or moving such deadly weapons in any ordinary business way. (Prior code § 41-2-11)

**11.36.120      Disposition of confiscated weapons.**

All pistols, knives and other weapons, the carrying of which is unlawful, which may be found upon any persons arrested by the police, shall be seized by the chief of police and shall be turned over to the clerk of the metropolitan court, and disposed of by order of the metropolitan judge as required by law, and shall in no case be returned to the individual from whom the same were taken, or to anyone claiming the same. (Prior code § 41-2-12)